

Ropers Majeski Kohn & Bentley
A Professional Corporation
Los Angeles

BRIAN VANDERHOOF
(NEVADA STATE BAR NO. 10463)
ROPER, MAJESKI, KOHN & BENTLEY
515 South Flower Street, Suite 1100
Los Angeles, CA 90071-2213
Telephone: (213) 312-2000
Facsimile: (213) 312-2001
Email: bvanderhoof@rmkb.com

NEIL B. DURRANT
(NEVADA STATE BAR NO. 7324)
JOHNS & DURRANT LLP
316 E. Bridger Avenue, Second Floor
Las Vegas, Nevada 89101
Tel: (702) 834-5000
Fax: (702) 834-5001
Email: ndurrant@johnsdurrantlaw.com

Attorneys for Plaintiff Everest Indemnity Insurance
Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EVEREST INDEMNITY INSURANCE
COMPANY,

Plaintiff,

v.

AVENTINE-TRAMONTI
HOMEOWNERS ASSOCIATION, a
Nevada nonprofit corporation; and DOE
HOMEOWNERS' 1 through 500, TOWN
CENTER VENTURES, LLC, a Nevada
limited liability company; CAMS
CONSTRUCTION CORPORATION, a
Nevada corporation; ACCESS
TECHNOLOGIES; AMERICAN
ASPHALT & GRADING CO.;
AMPAM/RCR PLUMBING; ARC
ELECTRIC; AVANTI DOOR GROUP;
BAIR'S CARPET; BRANDON IRON,
INC.; C&W CLEANING; CENTURION
SECURITY SYSTEM; CLOSET
MASTERS; COAST WET PLUMBING,
INC.; CONSTANT LIGHTING;
CUSTOM HEALTH DISTRIBUTORS,
INC.; D & L FRAMING; DAN
BRADLEY'S GLASS SHOP, INC.;

CASE NO. 2-09-cv-1672-RCJ-RJJ

{Assigned to Judge Robert C. Jones and Magistrate
Judge Robert J. Johnston. (AXM)}

JOINT INTERIM STATUS REPORT

DESERT RAIN- ENVIRO SCAPE;
 DISTINCTIVE FRAMING;
 DISTINCTIVE MARBLE, INC.;
 JOHNSON ELECTRIC; H & B
 CONSTRUCTION; HARRISON DOOR
 COMPANY; HIGH ENERGY
 ELECTRIC; JAYLEE DEVELOPMENT,
 LLC.; KEEGAN ENGINEERING, P.C.;
 MASONRY BY BOB MARKS; METRO
 ELECTRIC; MOTIVATIONAL
 SYSTEMS, INC.; NEVADA STAIRS,
 INC.; NEVADA STATE PLASTERING;
 NEW CRETE; NORPAC
 CONSTRUCTION LLC; PACIFIC
 DRYWALL & PAINT; PEARSON
 TRENCHING; PERSONAL TOUCH
 INTERIORS; PIONEER OVERHEAD
 DOORS; PIPES PAVING; POOLS BY
 GRUBE; QUALITY CABINETS; R. W.
 STUCCO, INC.; RISING SUN
 PLUMBING, LLC.; SAN GABRIEL,
 INC.; SEARS CONTRACT SALES;
 SKYLINE INSULATION; STATE
 INSULATION; SUMMIT DRYWALL &
 PAINT; SUNRISE MECHANICAL, INC.;
 SUPERIOR TILE & MARBLE, INC.;
 UNITED RENTALS HIGHWAY TECH;
 VAZZANA UNDERGROUND; WEST
 COAST FRAMING; WESTCOR
 WINDOWS & PATIO DOOR; WESTERN
 PIPELINE CONSTRUCTION CORP.;
 WILLIS ROOFING CO., INC.; ZEPEDA
 BROS. PAINT & DRYWALL

Defendants.

On June 28, 2010, a telephonic conference was held among counsel for Plaintiff Everest
 Indemnity Insurance Company ("EIIC") and counsel for several defendants to meet and confer
 regarding the Interim Status Report pursuant to Local Rule 26-3.

During the telephonic conference, the parties agreed that it is premature at this time to
 address the issues required by Local Rule 26-3. The discovery is in initial stage and the parties
 are unable to provide the time estimated for trial or three alternative dates for trial or whether or
 not trial will be proceeding or affected by substantive motions. The parties have entered into a
 Stipulation to Modify the Scheduling Order)to allow the parties reasonable time and opportunity

1 to conduct and complete meaningful discovery and dispositive motions.

2 As set forth in detail in the Stipulation to Modify Scheduling Order, several factors have
3 resulted in delay in conducting discovery which necessitate extending all discovery and motion
4 deadlines. Those factors include, but are not limited to:

5 (1) The counsel for seven Pageantry entities ("Pageantry") who acted as general
6 contractor and developer for the construction of the project, the alleged construction deficiencies
7 of which give rise to the underlying action and to this interpleader action, has advised counsel for
8 Everest Indemnity Insurance Company ("EIIC") that Pageantry has stated an intent to file for
9 bankruptcy in the near future;

10 (2) The counsel for Pageantry has filed a motion to withdraw, the hearing on which
11 has been set for **July 13, 2010**;

12 (3) To this date Pageantry has not responded to discovery propounded by EIIC. The
13 responses were due May 26, 2010;

14 (4) Pageantry entities are the only entities sued in the underlying action (as of this
15 date) and as a result, its anticipated bankruptcy filing and withdrawal of its counsel will no doubt
16 have significant impact on the events and deadlines in this action;

17 (5) An overwhelming majority of the parties have not yet made initial disclosures
18 pursuant to Fed. R. Civ. P 26 (a)(1) in part because the Scheduling Order did not set a deadline
19 for such disclosures and because of the sheer number of defendants in this action which were
20 served at different times;

21 (6) Defendants Pipes Paving, Rising Sun Plumbing LLC, and Nevada Stairs, Inc. each
22 filed a motion for leave to file a counterclaim and the Court has not yet issued a ruling in
23 connection with those motions; and

24 (7) All the insureds under the EIIC policy have been named as defendants in the
25 interpleader action because of their potential liability for the construction defects and deficiencies
26 at the project. However, none of those defendants (except Pageantry) have yet been sued in the
27 underlying action. Currently, a motion to amend the underlying complaint has been filed to add
28 Rising Sun Plumbing, RCR and Coast West Plumbing. An overwhelming majority of defendants

1 named in the interpleader action do not yet know the nature, scope or extent of liability or
2 damages they may face in connection with the underlying action.

3 Therefore, this Court should continue the date for the filing of the Interim Status Report
4 required by Local Rule 26-3 to **October 29, 2010** or thereafter.

Ropers Majeski Kohn & Bentley
A Professional Corporation
Los Angeles

1 Dated: June 30, 2010

ROPERS, MAJESKI, KOHN & BENTLEY

2
3 By: /S/ Brian Vanderhoof

4 BRIAN VANDERHOOF
5 Attorneys for Plaintiff EVEREST
INDEMNITY INSURANCE COMPANY

6 Dated: June 30, 2010

JOHNS & DURRANT LLP

7
8 By:

9 /s/ Neil B. Durrant

10 NEIL B. DURRANT
11 Attorneys for Plaintiff EVEREST
INDEMNITY INSURANCE COMPANY

12 Dated: June 30, 2010

GREENBERG TRAURIG

13
14 By:

15 /S/ Tami Cowden

16 MARK FERRARIO
17 TAMI COWDEN
18 Attorneys for Defendants and
19 Counterclaimant
20 Town Center Ventures, LLC; Cams
Construction Corporation; Pageantry
Communities, Inc.; Pageantry
Development; Pageantry Realty, Inc.;
Pageantry Residential. LLC.; Premier
Construction Corp.

21 Dated: June 30, 2010

HANSEN RASMUSSEN, LLC

22
23 By:

24 /S/ Tony May

25 SCOTT RASMUSSEN
26 TONY M. MAY
27 Attorneys for Nevada Gypsum Floors, Inc.
28 and Western Pipeline Construction
Corporation

1 Dated: June 30, 2010

LAW OFFICES OF JOHN AND
ELIZABETH FOLEY

2
3
4 By:

/S/ Elizabeth J. Foley

ELIZABETH J. FOLEY

Attorneys for The Avanti Door Group

5
6 Dated: June 30, 2010

CANEPA, RIEDY & RUBINO

7
8
9 By:

/S/ Terry W. Riedy

TERRY W. RIEDY

Attorneys for Aventine-Tramonti
Homeowners Association

10
11 Dated: June 30, 2010

FARMER CASE & FEDOR

12
13
14 By:

/S/ Kathryn I. Holbert

ANTHONY T. CASE

KATHRYN I. HOLBERT

Attorneys for Defendant Bair's Carpet

15
16 Dated: June 30, 2010

RICHARD L. TOBLER, LTD.

17
18
19 By:

/S/ Richard L. Tobler

RICHARD L. TOBLER

Attorneys for Defendant Nevada Stairs Inc.

20
21 Dated: June 30, 2010

LAW OFFICES OF HAYES & WELSH

22
23
24 By:

/S/ Martin L. Welsh

MARTIN L. WELSH

Attorneys for American Asphalt & Grading
Company

1 Dated: June 30, 2010

ROBERTSON . CLARK, LLP

2
3
4 By:

/S/ Courtney E. Leverty

COURTNEY E. LEVERTY

Attorneys for Defendant, Nevada State
Plastering

5
6
7 Dated: June 30, 2010

MARQUIZ LAW OFFICE

8
9 By:

/S/ Craig A. Marquiz

Craig A. Marquiz

Attorneys for Rising Sun Plumbing, LLC

10
11
12 Dated: June 30, 2010

GORDON & REES

13
14 By:

/S/ Keith C. Cramer

KEITH C. CRAMER

Attorneys for San Gabriel, Inc.

15
16
17 Dated: June 30, 2010

HELM & ASSOCIATES

18
19 By:

/S/ Kevin E. Helm

KEVIN E. HELM

Attorneys for Defendant Pipes Paving